

REMARKS

In response to the Restriction/Election of Species Requirement of November 17, 2004, Applicant elects with traverse Species 4 (i.e., stent with substantially tubular member) for prosecution, with claims 1-3, 31, and 37-43 readable thereon.

The Restriction/Election of Species Requirement is traversed because the Examiner has failed to show that a serious burden exists in examining the full scope of the invention as claimed (see MPEP § 802). As noted in the MPEP, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (see MPEP 803). In particular, it is noted that all of the claims are directed to amorphous metal alloy medical devices. As such, a serious burden does not exist, since any search of an amorphous metal alloy medical device would necessarily search all of the species enumerated in the Office Action.

AUTHORIZATION

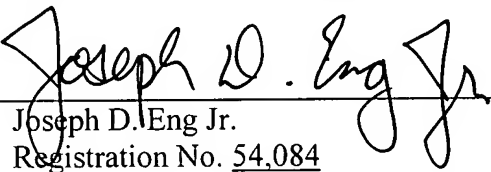
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4396-4001. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4396-4001. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 17, 2004

By:



Joseph D. Eng Jr.
Registration No. 54,084

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile